



BALLI HIGH PLANNING PROPOSAL

23 HILL END ROAD CAERLEON



**Residential
opportunity**

**Within
proximity
to Serviced
land
Mudgee**

**Consistent
with
Strategy**

Provide pipeline opportunity for residential housing

Minimise impact to road corridor and entry to Mudgee

Support diversity in housing opportunities in line with the adopted strategic framework



The report has been prepared to address the requirements of the Environmental Planning and Assessment Act 1979 (EP&A Act), as well as satisfying the requirements of the NSW Department of Planning & Environment's guideline titled: Local Environmental Plan Making Guideline (August 2023).

For the purposes of the Guideline, the application is considered as a 'Standard' Planning Proposal as it relates to the rezoning of lots to R1 General Residential, consistent with the recommendations of the Mudgee and Gulgong Urban Release Strategy 2023 Update.

Document Control

Version	Date	Document	Provided to
00	18 Jan 2025	Draft for client review	S Baskerville
001	23 May 2025	For Lodgement	
002	26 Jun 2025	Revise Timeline	MWRC
003	31 Aug 2025	Proposed Min Lot size mapping updated as per Gateway condition	MWRC

Introduction ‘Balli High’ Planning Proposal

Proponent – **Shirley Baskerville**

Subject Land – **“Balli High” 23 Hill End Road CAERLEON**

Title – **Lot 1 DP706730**

Proposed site specific LEP amendment –

Amend RU1 Primary Production zoned land to R1 General Residential

The Planning Proposal has been prepared by Emma Yule t/a Atlas Environment and Planning on behalf of the landowner. This Proposal is submitted to Mid-Western Regional Council seeking an amendment to the Mid-Western Regional Local Environmental Plan 2012 as it relates to Lot 1 DP706730 known as ‘Balli High’, Caerleon.

The land has frontage to the Castlereagh Highway and Hill End Road and adjoins serviced land zoned R1 General Residential. The site adjoins land referred to as the Caerleon Estate and has frontage to Knox Cr in this estate. The subject site includes approximately 7.69ha of land. The subject property supports one residence and associated home business, with outbuildings. It is proposed that this property be rezoned to allow future residential development as R1 General Residential zoned land.

The development concept seeks to subdivide initially to separate the main vacant land from the established house and surrounds.

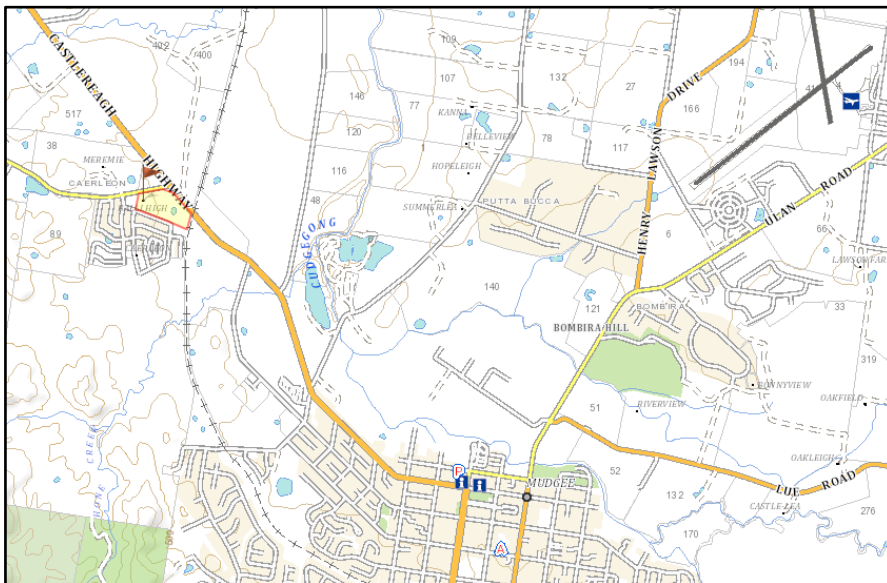


Figure 1 - Site Location

(Source: SIXMAPS)



Figure 2 - Site Location (Source: Google Earth)

Supporting Plans and Documentation

The Planning Proposal has been prepared with reference to preliminary supporting documents and investigations:

- Development concept plans prepared by Jabek Pty Ltd (registered surveyor).
- Land Use Conflict Risk Assessment prepared by Atlas Environment and Planning.
- Sketches for consistency with Mudgee and Gulgong Urban Release Strategy Update (2023).

As a proponent-initiated proposal, made by the landowner, it is requested that Council accept this document and supporting documentation that explains the intended effects of the proposed LEP amendment. It is sought that the Council support the amendment and forward to the Department for a Gateway Determination. It is requested that where further site-specific studies or investigations are sought to be provided, these be conditional or deferred to the Development Application stage. As a staged approach is proposed to the proposal to allow the undeveloped land to be transferred to a developer.



Proposal to amend the Mid-Western Regional Local Environmental Plan 2012.

The Mid-Western Local Environmental Plan 2012 (MWLEP) is the relevant local environmental planning instrument. Current zoning and min. lot size: RU1 Primary Production (100ha) pursuant to the MWLEP.

Proposed zoning and min. lot size: **R1 General Residential (600m²)**

The land has specific opportunity for development that will meet the growing needs of the LGA and takes into consideration the need to maintain housing choice and diversity.

Existing development and uses

The property is situated approx. 4.2km (5 mins) from the Mudgee Post Office on the Castlereagh Highway and the transition from rural to the urban boundary is marked by this land. The land adjoins developed R1 General Residential zoned land (Caerleon Estate). The land supports one existing dwelling within the property known as 'Balli High'. The Land Use Conflict Risk Assessment (LUCRA) documents the existing and surrounding site conditions in context of the broader primary production land. The existing built structures are contained to approx. 1ha western area of the site as currently fenced, the remaining land is pasture with farm dam. The eastern boundary is formed by the disused Wallerawang Gwabegar Railway line, zoned SP2 Rail Infrastructure Facilities.

Surrounding development and uses

Due to the close vicinity to the urban area of Mudgee and historical development patterns, the surrounding land has mixed lot sizes and occupation pattern. The residential connection occurs to the south/southwest; with the rural land use pattern to the north and east impacted by the Highway and Railway land. RU4 Primary Production Small Lot zoned land occurs which is occupied, as well as the RU1 Primary Production zoned land with the Mudgee Honey Haven (tourism related) development. Most land uses are extensive agricultural or rural residential in nature.

Site Features

The development land is not subject to any known restrictive easements or covenants, with no known servicing easements (to be confirmed). The site topography is generally level terrain with road frontage to a main road, with no substantial road side vegetation, and no natural watercourses occurring within the property. These topographic features were identified in a site analysis prior to the proponent initiating the Proposal, and investigation by registered surveyor. Avoiding impact to any identified sensitive parties (including limited impact on existing residents, and primary producers) and limiting potential impact to the rail and road reserves and traffic have been considered as key limiting factors identified as key constraint to available land suitable for development or would potentially have impact on lot yield.



PART 1 - Objectives and intended outcomes.

Objective

To amend the Mid-Western Regional Local Environmental Plan 2012 to facilitate subdivision of the subject land for the purpose of additional residential lot opportunities.

Intended outcomes

- *Provide opportunity for future housing in Mudgee;*
- *Implement the adopted Strategy of Mid-Western Regional Council to ensure appropriate supply of residential land for the future;*
- *Minimise impact to road corridor and entry to Mudgee;*
- *Support diversity in housing opportunities in line with the adopted strategic framework.*

The land falls with the urban release area (URA) referenced as M21 in the Mudgee and Gulgong Urban Release Strategy 2023 Update. The Strategy recommended that Council should consider rezoning M21 to general residential in the mid-late 2020s. The proposal seeks to implement and support a vision for future residential opportunities in close vicinity to Mudgee.

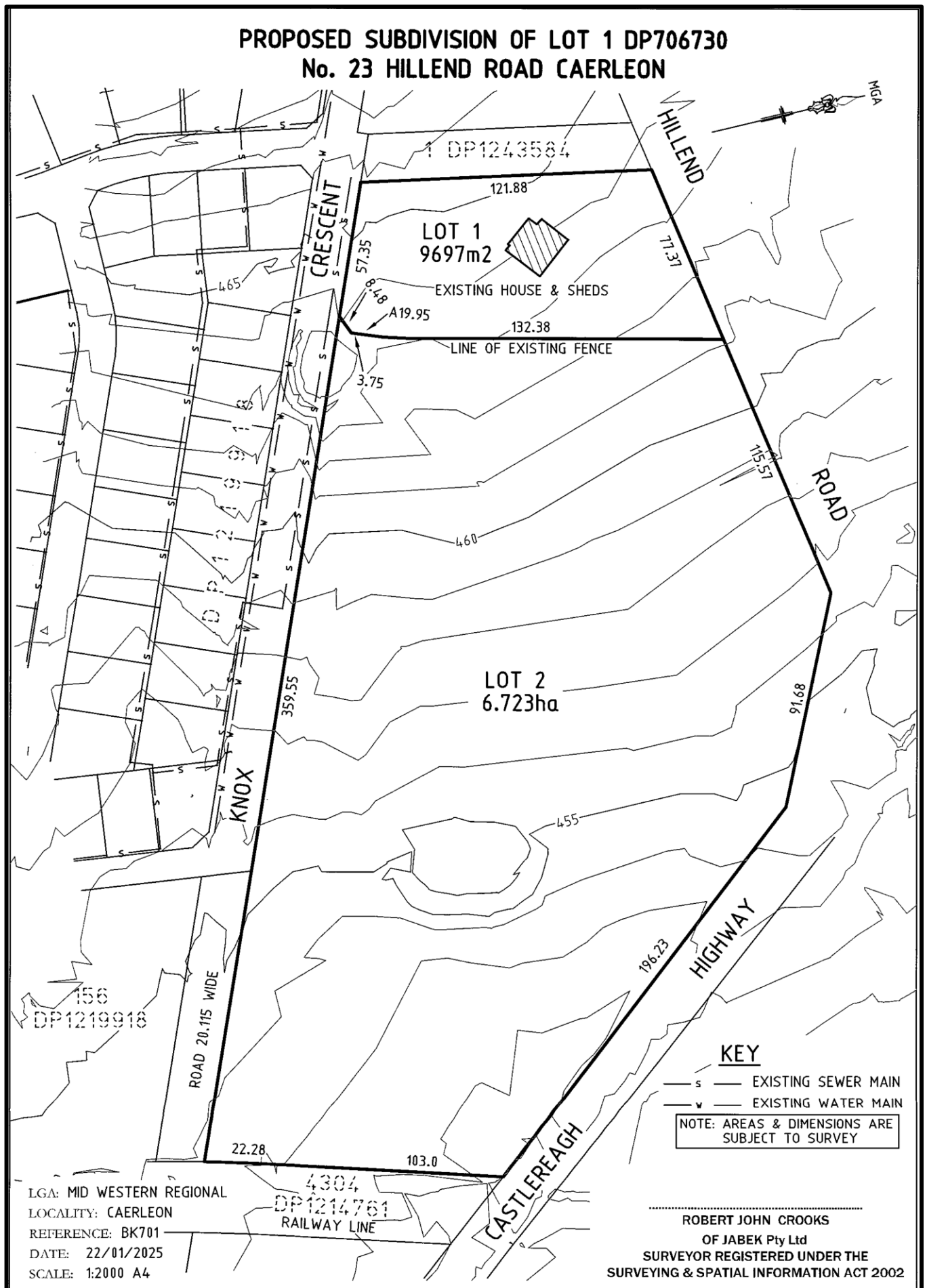
The site is subject to provisions of the Mid-Western Regional Local Environmental Plan 2012. It is proposed to rezone the subject land from RU1 Primary Production to R1 General Residential to enable the land to be developed for future housing opportunities.

The future development concept involves:

1. Phase 1 - The creation of two (2) Torrens title lots from the one (1) existing title (Lot 1 DP 706730). One vacant lot for future residential subdivision (Lot 2 = 6.72ha); and one lot to contain the existing dwelling and out buildings (Lot 1 = 9750m²). It is proposed that this first step to future subdivision does not require the connection to reticulated sewerage, water is available currently. The vacant Lot 2 could then be further developed in future separately. (Refer to plan below).
2. Phase 2 - The development concept is be supported by a potential layout demonstrating future residential subdivision with new roads. (Refer to separately attached plans). Preliminary work towards identification of a future layout shows:
 - a. The concept Lot 1 is able to be subdivided to create 1 lot with existing dwelling, and outbuildings. Additional 3 lots has been demonstrated, as potential future opportunity.
 - b. The concept Lot 2 is conducive to producing 41 vacant residential lots with new road, serviced and based on appropriate dwelling sites, boundary setbacks, suitability for buffers to existing infrastructure.

Potential subdivision requires site-specific mapping amendments to the Mid-Western Regional Local Environmental Plan 2012.

- ❖ The Mid-Western Regional Local Environmental Plan 2012 has partially migrated to digital mapping. An amendment to the **Land zoning** is proposed.
- ❖ An amendment to the Mid-Western Regional Local Environmental Plan 2012 **Lot Size Map** - Sheet LSZ_006 is required (proposed min lot size 600m²).





PART 2 - Explanation of provisions

This section provides a statement of how the objectives & intended outcomes will be achieved by amending the Mid-Western Regional LEP 2012.

- Amend LEP mapping to change land zoning applicable to Lot 1 DP706730.
 - New R1 General Residential zoning to be applied.
- Amend LEP mapping to change lot size applicable to Lot 1 DP706730.
 - Apply minimum lot size for rezoned land 600sqm.

(No new special provisions are proposed).

It is assumed that clause 6.9 Essential services will be able to be applied by Mid-Western Regional Council in the future development application for subdivision to permit the stage approach to provision of reticulated services, without need for any site -specific amendment.

Plans of a future **development concept for subdivision** are provided as a separate attachment (prepared by Jabek Pty Ltd). This is a preferred & feasible layout based on minimising impacts to surrounding land, providing adequate buffers to transport corridors and provides safe locations for new vehicular access and minimises interaction with identified potential environmental sensitivities.

The Mid-Western Regional Local Environmental Plan 2012 has partially migrated to digital mapping.

An amendment to the **Land zoning** is proposed as depicted in Map Section in this Planning Proposal document.

Table 1: Summary of Planning Proposal

	Current	Proposed
ZONING	RU1 Primary Production	R1 General Residential (RE1 Public Recreation for drainage and park/buffer reserve – at Council's advice)
Min. LOT SIZE	100ha	600m ² (Council to advise any min lot size for any future reserve land)
Special provisions		nil
Contribution Plan	Mid-Western Regional Contributions Plan 2019	Contributions to be levied in future under the adopted Plan - Mid-Western Regional Contributions Plan 2019
Key Considerations	No subdivision potential. Existing occupied - dwelling and depot for distribution business.	Implements the Mudgee and Gulgong Urban Release Strategy 2023 Update (URA – M21 part area) Concept layout yields 46+ new residential lots



PART 3 - Justification of Provisions

This section provides justification of strategic and potential site-specific merit, outcomes, and the process for implementation.

Strategic Merit

The proposal is responding to a demand for residential opportunities. This proposal has strategic merit supported by adopted Plans and Strategies. Strategic merit has been examined and suitability of the land for development has been demonstrated.

SECTION A – Need for the Planning Proposal

1. *Is the planning proposal a result of an endorsed LSPS, strategic study or report?*

Mid-Western Regional Local Strategic Planning Statement

The Mid-Western Regional Local Strategic Planning Statement (LSPS) sets out the 20-year vision for land use planning in the Mid-Western Regional Council local government area (Region).

Part of the subject land has been identified as a 'main entrance corridor' in the Mudgee Structure Plan (Figure 4 of the LSPS).

Planning Priority 2 - Make available diverse, sustainable, adaptable and affordable housing options through effective land use planning, is relevant to this Planning Proposal. The LSPS acknowledges that Council's Urban Release Strategy guides decision making around the timing and type of future residential development in Mudgee and Gulgong.

Our Place 2040 – Mid-Western Regional LSPS supports the planning proposal through Planning Priority 2. This planning proposal aligns with and gives effect to the strategic framework that applies to the land.

The proposed rezoning of the land known as 'Balli High' supports this priority by contributing to housing variety in lot sizes and location to suit new residential opportunities aligned with the Urban Release Strategy.

Mudgee and Gulgong Urban Release Strategy 2023 Update

The Urban Release Strategy (URS) for the towns of Mudgee and Gulgong to guide decision making around the timing, location and type of future residential development. The Update to the URS was prepared by HillPDA Consulting for Council and updates the previous 2014 Strategy.

The Planning Proposal follows the adopted Mid-Western Regional Council Strategic Planning Document – Mudgee and Gulgong Urban Release Strategy 2023 Update prepared for Mid-Western Regional Council by HillPDA Consulting (July 2023). The site falls within the identified Urban Release Area M21, and the adopted strategy area identifies this land and services to facilitate development in the short to medium term.

Council's Strategy Update 2023 addresses how and where residential development is planned for as the Mid-Western Regional population grows. Residential development in planned and future serviced locations requires planning processes to proceed ahead of estimated delivery timing, to bring to fruition the assumed lot yield within an adopted timeframe. This proposal recognises the lead in time for implementation to occur. Also, that the rezoning under the Strategy for URAs is not likely to be Council led. The nature of proponent led planning proposals means that it is unlikely the total of the M21 area will be serviced and concurrently rezoned.

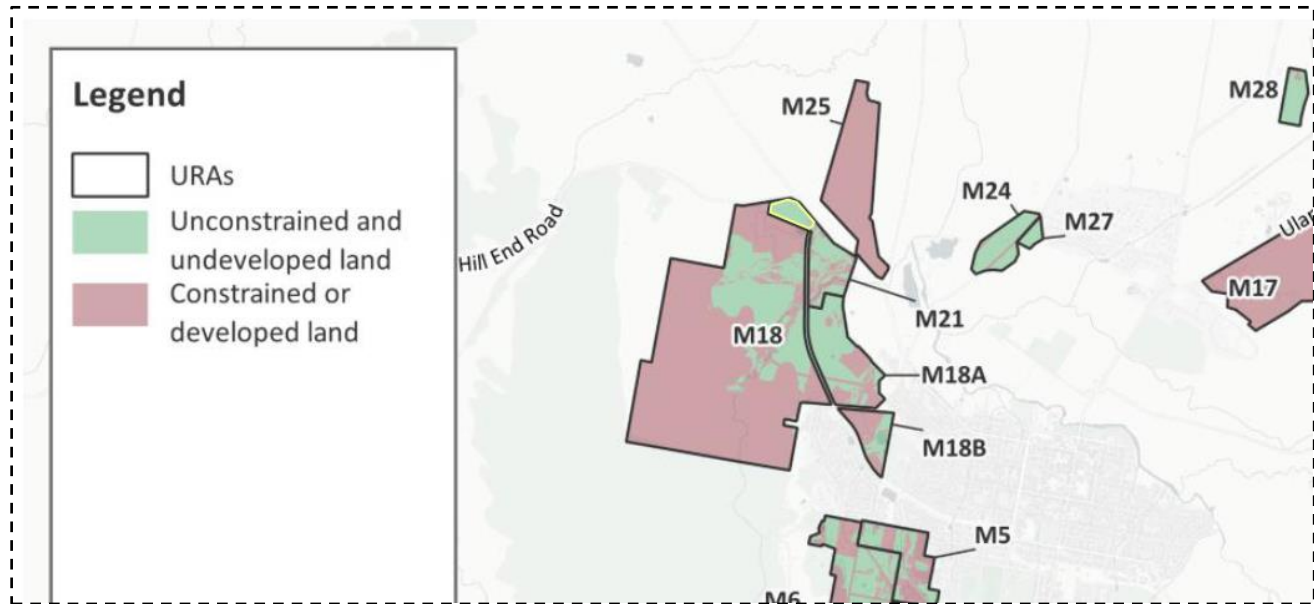


Figure 3- Excerpt from Figure 57: Remaining developable area, Mudgee URAs (2023 Update)

(Subject land bordered by yellow – part of M21 Unconstrained and undeveloped land).

The Mudgee and Gulgong Urban Release Strategy (2023 Update) prepared by HillPDA updates the 2014 Strategy of the same name. The timing for consideration of this land is noted as planned for mid to late 2020's (see table below). The proposal in 2025, is consistent with the Strategy timing. Developer investment and progression of servicing investigations, and technical studies is more feasible when an LEP amendment process is underway and supported by Council. Well-located housing options should be supported by staff with consistency with the Strategy. The concept plans demonstrate a staged approach to subdivision, and development; whereby the existing built development (dwelling and shedding etc) are separated in a lot from the main developable land (landowner development of existing lot into 2 resulting lots). Which is seen as an advantageous option to facilitate a future development.

Table 55: Lot supply capacity, Mudgee URAs (2023 Update) indicates that the Strategy recognises that the land (M21) has a possible 2 yrs. supply of general residential land with a possible 175 lots (based on yield of 8 lots per ha of unconstrained and undeveloped land). The preliminary subdivision concept designs have indicated that this may have been an overestimation, as the inclusion of riparian buffers and constraints reduces the available land further than estimated. The remaining land outside the subject site within URA M21 is affected by riparian corridor included on the Biodiversity Values Map, topography not suitable for development, railway buffer and drainage requirements that would not have been known or easily estimated.

The update to the URS, has also assessed supply of residential land in five-year blocks, providing an indication of when the residential land supply pipeline would need to be considered by Council. The

Strategy also adopts guiding principles to inform land release. This Planning Proposal is aligned to Principle 6: Maintain a supply buffer of residential land. The supply of general residential land with a 5-year buffer of supply, is acknowledged as likely to be exhausted, unless rezoning occurs in line with the suggested URS timing.

Servicing work is identified in the short term that are noted as affecting the timeframe for supply from URA M18, M18A and M21 (subject area). Refer to 2023 Update: Table 60: General residential land recommendations.

Recommendation		URA(s)	Timeframe	Supply impact
Topic	Detail			
	Council has commenced water and sewer servicing modelling for Mudgee, to inform the future servicing of this area. To reflect this, the relevant land has been included as zoned and serviced.			This additional zoned and serviced supply has been included in the findings above.
Planning	Council should consider rezoning M21 to general residential in the mid-late 2020s and also consider developing a master plan ensuring lot and dwelling typology diversity can be delivered.	M21	Medium term	+175 general residential lots shift to zoned and unserved.
Servicing	Servicing works to facilitate future development in M21 could be undertaken as part of servicing works for M18 and M18A. This would enable a significant number of general residential lots to be released and development-ready, when required. Rezoning and full servicing should be a medium term plan, though efficiencies may be achieved if servicing works can be bundled.	M21	Short term	+175 general residential lots would be able to be progressed to zoned and serviced.

(refer to page139 of 2023 Update)

The development concept has been based on a master planned layout involving the consideration of the larger identified M21 URA, as delineated in the Mudgee and Gulgong Urban Release Strategy 2023 Update. The subject land (Lot 1 DP706730) within M21, is not otherwise constrained or reliant upon other land being developed prior to release. The land has frontage to the Wallerawang Gwabegar railway (disused), Castlereagh Highway and Hill End Road and adjoins serviced land zoned R1 General Residential, with frontage to Knox Crescent, which is already developed on one side of the road. Due to available road frontage, the subject property can be independently developed from the remaining 2 properties, whilst the remaining land can only be developed if the property fronting Saleyards Lane is developed first to provide access to the remaining land. Hence any development of this area can only occur if the owner of Lot 5 DP 1099445 chooses to develop the land first.

This information is highlighted to Mid-Western Regional Council, in so far as interpretation of the Strategy provisions for this land have been further investigated. In this nominated urban release area M21, the estimated timing for rezoning and release of land to market should be tempered by the understanding that the subject properties are unlikely to realise residential supply concurrently i.e. with separate ownership. Further, with access constraints identified, the subject land can be independently developed from the remaining 2 properties included in Area M21. In addition, the lot yields estimated within the Mudgee and Gulgong Urban Release Strategy 2023 Update as indicated above would appear to be an overestimation.

The submission of a scoping report in the pre-planning proposal phase, was intended to open the dialogue with Council's utilities team to provide a basis for further design and scoping of servicing requirements. The development concept to achieve a 2-lot subdivision, initially will also move towards the delivery of housing lots to market in the medium term. The Scoping Report was provided to Council and recognition to proceed to the Proposal stage was received.

Comparison to the **Mudgee and Gulgong Urban Release Strategy 2023 Update:**

Table 40 shows estimated lot yields for Mudgee's URAs based on the observations above, minimum lot sizes and total area, and does not take into account constraints or the amount of land that has already been developed.	2023 Update details: M21 – (based on 600sqm min) – area 30.9ha – Count of Potential lots = 247
Table 55 shows the total estimated number of lots and their status per each URA and the number of years of supply that amount represents (based on the projected average annual demand for each lot type).	M21 – (based on 600sqm min) – area 30.9ha – Unconstrained and Undeveloped – 21.9ha Count of Potential lots = 175 Years supply = 2
Recommendations Table 60 (see excerpt below) Planning - Council should consider rezoning M21 to general residential in the mid-late 2020s and also consider developing a master plan ensuring lot and dwelling typology diversity can be delivered. Servicing works - efficiencies may be achieved if servicing works can be bundled with M18 and M18A.	Supply impact: Planning – Medium Term – +175 general residential lots shift to zoned and un-serviced. Servicing – Short Term +175 general residential lots would be able to be progressed to zoned and serviced.
Planning Proposal: <i>Acts on Planning required in timeframe consistent with Strategy and provides Master Planning concept to inform future delivery of servicing and lot typology.</i>	M21 – (based on 600sqm min) – area 30.9ha Count of Potential lots M21 = 124 (i.e. 51 less lots overall) Planning - Subject land – Lot 1 Dp706730 - +46 general residential lots shift to zoned and un-serviced. Planning- Medium Term – 78 general residential lots shift to zoned and un-serviced. Servicing – Short Term +124 general residential lots would be able to be progressed to zoned and serviced.



2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The Planning Proposal is considered the best means of achieving the intended outcomes as it will allow for the subdivision of land in a manner that is compatible with the surrounding development, minimises identified potential land use conflict issues and implements the recommendations of key Council strategic planning policies. Therefore, the approval of a site-specific Planning Proposal is considered the best option as it will allow for the further development of the site consistent with the recommendations of the Urban Release Strategy 2023 Update.

Use of clause 4.6 would not be appropriate in these circumstances.

LEP mapping amendment is appropriate without need for any specific clause amendment or site-specific provisions.



SECTION B – Relationship to the Strategic Planning Framework

3. Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?

Central West and Orana Regional Plan 2041

People, Centres, Housing and Communities

Objective 13 of the Plan – Provide well located housing options to meet demand

This proposal will support:

Strategy 13.1 - To ensure an adequate and timely supply of housing, in the right locations, strategic and local planning should:

- respond to environmental, employment and investment considerations, and population dynamics when identifying new housing opportunities
- consider how proposed release areas could interact with longer term residential precincts
- provide new housing capacity where it can use existing infrastructure capacity or support the timely delivery of new infrastructure.
- Identify a pipeline of housing supply that meets community needs and provides

Objective 13 of the Plan acknowledges that local housing strategies will need to remain responsive to changing demographic patterns and drivers for growth and change.

The Plan notes 'future residential growth will be predominantly accommodated in existing urban areas or in new development areas identified in local housing strategies'. Future residential growth will be predominantly accommodated in existing urban areas or in new development areas identified in local housing strategies.



4. *Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GCC, or another endorsed local strategy or strategic plan?*

Planning Priority 2

Make available diverse and affordable housing options through effective land use planning.

This proposal will support MWRC commitment:

Council will: -

- *Provide ongoing monitoring of land release and development.*
- *Promote affordable housing options across the Region.*

OUR PLACE 2040

Mid-Western Regional Local Strategic Planning Statement

The unique town that is Mudgee, has a strong connection to historic streetscape and the rural landscape. Maintaining the aesthetics of the road corridor as a main entry to Mudgee is important. The subject land forms part of the main entrance corridor to the town.

The land has been grazed however, and in supporting opportunities to provide additional land supply in the broader context should be considerate to minimising any impact to the productive agricultural land. In this case the production benefit is not outweighed by the proposal to create a residential opportunity. Hence a proposal for this land has been investigated and scope outlined as there is synergy between the adopted strategies and landowner/developer willingness to proceed.

5. *Is the planning proposal consistent with any other applicable State and regional studies or strategies?*

The NSW Government is addressing the current housing shortage by prioritising the building of more diverse homes in well-located areas near transport, open spaces, schools, hospitals and community facilities. A housing taskforce was established to support the whole of government approach to delivering housing.

Other high level state studies and strategies have not been identified as directly relevant to the proposal.

6. Is the planning proposal consistent with applicable SEPPs?

State Environmental Planning Policy	Consistent (Y/N)
State Environmental Planning Policy (Biodiversity and Conservation) 2021	Y – Further consideration could be made at the development application stage as per the SEPP with regard biodiversity.
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	Y
State Environmental Planning Policy (Housing) 2021	Y - It is possible that any future dwellings would be seeking approval under the Housing SEPP; no new provisions prevent this SEPP from being used to promote affordable & diverse housing.
State Environmental Planning Policy (Industry and Employment) 2021	Not applicable.
State Environmental Planning Policy (Planning Systems) 2021	Not applicable.
State Environmental Planning Policy (Precincts—Central River City) 2021	Not applicable.
State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021	Not applicable.
State Environmental Planning Policy (Precincts—Regional) 2021	Not applicable.
State Environmental Planning Policy (Precincts—Western Parkland City) 2021	Not applicable.
State Environmental Planning Policy (Primary Production) 2021	Y - The subject land was not included in the Draft SSAL map.
State Environmental Planning Policy (Resilience and Hazards) 2021	This SEPP seeks to ensure that land is suitable for the intended use and promote remediation of contaminated land to reduce the risk of harm to human health. It must be considered when consenting to development on land (Clause 7) – but former Clause 6 requiring consideration at the rezoning stage has been repealed and is now addressed under the Ministerial Directions (see below).
State Environmental Planning Policy (Resources and Energy) 2021	Not applicable. The land is not associated with any existing mineral or extractive operation.
State Environmental Planning Policy (Sustainable Buildings) 2022	Y – Future development for BASIX related development application would be able to comply.
State Environmental Planning Policy (Transport and Infrastructure) 2021	Y - Transport and infrastructure SEPP provisions will likely require the development concept to be subject to a referral to the Rail Authority and Transport for NSW. Consultation is expected to occur. The concept plan for future development has avoided new access onto the main road system.



7. Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions) or key government priority?

The Minister for Planning, under section 9.1 of the EP&A Act issues Directions that relevant planning authorities, in this case Mid-Western Regional Council, must follow when preparing Planning Proposal's for new Local Environmental Plans. An assessment against the most recent Ministerial Directions has been undertaken for planning consistency. The directions cover the following broad categories:

- Planning Systems and Planning Systems – Place Based.
- Design and Place
- Biodiversity and Conservation
- Resilience and Hazards
- Transport and Infrastructure
- Housing
- Industry and Employment
- Resources and Energy
- Primary Production

The following Ministerial Directions (s.9.1 Directions) are highlighted with respect to the Planning Proposal.

FOCUS AREA 1 – Planning Systems	
	<i>Planning Proposal consistent with Direction?</i>
1.1 Implementation of Regional Plans	Yes. Planning proposal consistent with Central West and Orana Regional Plan 2041
1.2 Development of Aboriginal Land Council land	N/A.
1.3 Approval and Referral Requirements	Yes. No new special provisions are proposed to be included in the Mid-Western Regional LEP 2012. Mapping amendment only.
1.4 Site Specific Provisions	Yes. Site specific planning controls are not proposed.
1.4A Exclusion of Development Standards from Variation	Yes.

FOCUS AREA 1 – Planning Systems – Place-based	
	<i>Planning Proposal consistent with Direction?</i>
1.5 To 1.22	The placed-based directions do not apply to the subject land. N/A

FOCUS AREA 2 – Design and Place	
	<i>Planning Proposal consistent with Direction?</i>
	N/A

**FOCUS AREA 3 – Biodiversity and Conservation**

	<i>Planning Proposal consistent with Direction?</i>
3.1 Conservation Zones	Yes. The Proposal does not include any existing conservation zoned land. The environmental sensitivities of the land have been considered in the suitability assessment.
3.2 Heritage Conservation	Yes. Protection of heritage, Aboriginal objects and places has been considered in the preparation of the Proposal.
3.3 Sydney Drinking Water Catchments	N/A
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	N/A
3.5 Recreation Vehicle Areas	Yes.
3.6 Strategic Conservation Planning	Yes. Proposal does not include land within a strategic conservation area, or as avoided land.
3.7 Public Bushland	N/A
3.8 Willandra Lakes Region	N/A
3.9 Sydney Harbour Foreshores and Waterways Area	N/A
3.10 Water Catchment Protection	N/A

FOCUS AREA 4 – Resilience and Hazards

	<i>Planning Proposal consistent with Direction?</i>
4.1 Flooding	Yes. The land does not fall within the Flood Planning Area.
4.2 Coastal Management	N/A
4.3 Planning For Bushfire Protection	Yes. The land is partly mapped as bushfire prone land (Buffer only). The approach to bushfire management is addressed in the Proposal and encourages compliance with Planning For Bushfire Protection. Planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 3.34 of the Act, and prior to undertaking community consultation in satisfaction of clause 4, Schedule 1 to the EP&A Act, and take into account any comments so made.
4.4 Remediation of Contaminated Land	As a change of use is proposed for the land (i.e. primary production – grazing RU1 to General Residential R1) it is expected that a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines would be required as a condition of the gateway determination.



4.5 Acid Sulphate Soils	Yes. Low risk for acid sulphate soils.
4.6 Mine Subsidence and Unstable Land	N/A.

FOCUS AREA 5 – Transport and Infrastructure

	<i>Planning Proposal consistent with Direction?</i>
5.1 Integrating Land Use and Transport	A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives, and principles of: (a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and (b) The Right Place for Business and Services – Planning Policy (DUAP 2001). Improving Transport Choice This policy provides advice on how to better integrate land use and transport planning and development and provide transport choice. The policy introduces accessible development principles and location and design guidelines for specific land uses, including centres, commercial and retail. The subject site is in close travel distance of nearby Town infrastructure and will connect to public transport services. Yes. The planning proposal is consistent with the direction.
5.2 Reserving Land for Public Purposes	Yes. MWRC may decide to reserve for public purposes buffer to the Railway.
5.3 Development Near Regulated Airports and Defence Airfields	Yes. No regulated airfields are located within vicinity of the land, that may impact heights of buildings, affect airspace operation or the like. T
5.4 Shooting Ranges	N/A. No shooting ranges in vicinity of the proposal.
5.5 High pressure dangerous goods pipelines	Yes.

FOCUS AREA 6 – Housing

	<i>Planning Proposal consistent with Direction?</i>
6.1 Residential Zones	Yes. The planning proposal will be subject to the existing clause 6.9 of the LEP. Any new residential housing resulting will be appropriate to the access to infrastructure and services subject to existing LEP provisions.
6.2 Caravan Parks and Manufactured Home Estates	Yes. The proposal will retain provisions that permit development for the purposes of a



caravan park to be carried out on land (permitted with consent in the existing and proposed zone).

FOCUS AREA 7 – Industry and Employment

	<i>Planning Proposal consistent with Direction?</i>
7.1 Employment Zones	N/A.
7.2 Reduction in non-hosted short-term rental accommodation period	N/A
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	N/A

FOCUS AREA 8 – Resources and Energy

	<i>Planning Proposal consistent with Direction?</i>
8.1 Mining, Petroleum Production and Extractive Industries	Yes. Consultation may occur with exhibition of the proposal. No known mining or extractive industries are identified in vicinity to the land.

FOCUS AREA 9 – Primary Production

	<i>Planning Proposal consistent with Direction?</i>
9.1 Rural Zones	No. Justified. Direction (1)(a) applies to all relevant planning authorities. The proposed rezoning of RU1 zoned land to R1 is justified as the subject land is identified as an opportunity area in an endorsed Strategy and is consistent with a Regional Plan. The objective of this direction is further considered in this Proposal. The protection of agricultural production value of rural land is recognised. This land is not of high agricultural value, with constraint by existing residential development, Hill End Road, the Railway and Castlereagh Highway.
9.2 Rural Lands	Yes. (see comments below).
9.3 Oyster Aquaculture	N/A
9.4 Farmland of State and Regional Significance on the Far North Coast	N/A

Rural Zones/Lands

As the proposal is for residential purposes, this proposal has addressed suitability of the location for development. LUCRA has been prepared to address consistency and minimise the potential for land use conflict.



It is concluded that the land is appropriately located taking account of existing adjoining zones, the availability of human services, utility infrastructure, transport and proximity to existing centres. Further, the proposal is considered necessary taking account of existing and future demand and supply of residential land.

The land (Lot1 DP 706730) is occupied. The existing dwelling and shedding are also associated with the previous transport/delivery business operating from the land. Currently the site has 2 x separate driveway accesses to Hill End Road. The property known as 'Balli-High' has several sheds, and out buildings in a cluster. Most of the land is open paddock with periodic horse grazing. There is an existing farm dam. This can be filled in the future and not considered a development constraint. The land is currently serviced by reticulated town water supply.

The land opposite in Hill End Road to the north is zone RU1 Primary Production and developed for rural residential and tourist related development (Mudgee Honey Haven). Land to the west and south is developed R1 General Residential land with standard residential lots developed known as the Caerleon Estate. The Oak Tree Retirement Village is within this developed residential land. Knox Crescent provides road frontage to the south, which is proposed to be utilised for future residential development. Land opposite the Highway is zoned RU4 Primary Production Small Lots, however, is not associated with any intensive agriculture, with historic dwelling entitlements. The railway line forming the eastern boundary to the lot is currently in disuse. With reference to the LUCRA prepared and the experience of the landowner, overall, the site can be developed with minor impact to rural land and productivity.

**SECTION C – environmental, social and economic impact**

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?

No land is mapped on the 'Biodiversity Values Map'.

No land is mapped on the MWR LEP 2012 Terrestrial Biodiversity map.

As the land is currently RU1 zoned, the Local Land Services (LLS) Act would currently apply. The land is mostly mapped as 'exempt' land under the draft native vegetation regulatory (NVR) map prepared by the Department of Planning and Environment under Part 5A of the LLS Act (i.e. no land identified as sensitive).

The State Vegetation Type Map (SVTM) is a regional-scale map of NSW Plant Community Types. This map represents the current extent of each Plant Community Type, Vegetation Class and Vegetation Formation, across all tenures in NSW. The SVTM was referenced, and no native plant community type was mapped as occurring on the land. It is assumed that no native vegetation will be cleared.

9. Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?

Slope and topography	The land does not have any topographical constraint to residential development.
Groundwater Vulnerability	The land is mapped as 'groundwater vulnerable' on the Mid-Western Regional LEP 2012 Groundwater vulnerability map. Clause 6.4 of the LEP will need to be considered in any future development application. The residential land use proposed with this Planning Proposal and with future connection to reticulated services is not likely to impact groundwater.
Bushfire Prone land	Part of the mapped Bushfire "buffer land category affects the southwestern corner of the Lot. This is not considered a hindrance to future residential development and compliance with Planning for Bushfire Protection 2019 can be demonstrated. 



Flooding	Mudgee Flood Study 2021 has been referenced. Mapping shows the land is outside the identified 'preliminary flood planning area'.
Site History	The current landowners have owned the land since 1984 and the grazing use for the cleared land has not intensified. The site previously had a paddock for working with horses and fencing for horses remains on site. The owner recalls that there have not been any sheds demolished. There is no storage of hazardous goods, or ever has been since their occupation. There has not been any cropping. The transport business has recently ceased but had been operating for almost 40 years and was approved by Council as a home occupation.
Heritage	A search of Heritage NSW AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that: 1 Aboriginal site is recorded within 1km of the address. 0 Aboriginal sites are recorded within 1km of the address. 0 Aboriginal places have been declared in or near the above location.

Summary of Key Site-Specific Issues

1. Railway – The site analysis has assumed a min 50m buffer should be provided to railway land based on previous approach of MWRC. This buffer is intended to be restricted from future residential development. There are many ways to achieve this. In the concept plans, the buffer is shown as separate land parcel or reserve land, rather than a future restriction on a residential lot.
2. Road frontage – The land has frontage to a classified road, Castlereagh Highway as well as Hill End Road and Knox Crescent. The existing dwelling and the subject land have existing driveway access off Hill End Road only. A buffer is proposed for residential development from the Highway to facilitate landscaping and restrict any future access directly onto the Highway. The subdivision concept avoids additional traffic onto Hill End Road directly, and connection to Knox Cr is proposed.
3. Topographical features – The land being focus of this Planning Proposal (Lot 1 DP706730) is not limited by topography or riparian corridors with biodiversity issues. (The land within the broader identified M21 area will have development restrictions to minimise impact upon riparian corridors. Buffers are proposed consistent with the DPE Controlled activities – Guidelines for riparian corridors on waterfront land. Further in the broader M21 area steepness of the terrain will limit the subdivision potential (land to the west of Saleyards Lane Lot 5 Dp1099445). Further the additional land making up M21 will trigger a Biodiversity Development Assessment Report (BDAR) due mapping on the biodiversity values map applicable).
4. Access and land ownership – The subject land has been identified as the best suited to development within the M21 area considered. The property can be independently developed.



10. Has the planning proposal adequately addressed any social and economic effects?

The proposal will not cause any significant impact on demand to the retail centre of Mudgee. The addition of new households will not cause any significant demand of social infrastructure such as schools or hospitals. No further studies are warranted in this regard.

SECTION D – Infrastructure (Local, State and Commonwealth)

11. Is there adequate public infrastructure for the planning proposal?

The proposal will not require significant infrastructure to progress. New roads and infrastructure are extensions to existing system.

There are overhead electricity lines present supplying electricity to the existing dwelling. During the Development Application process, the proponent will be required to liaise with Essential Energy regarding the required upgrades. The Proposal should not be inhibited from proceeding due to electricity augmentation required at development stage.

SECTION E – State and Commonwealth Interests)

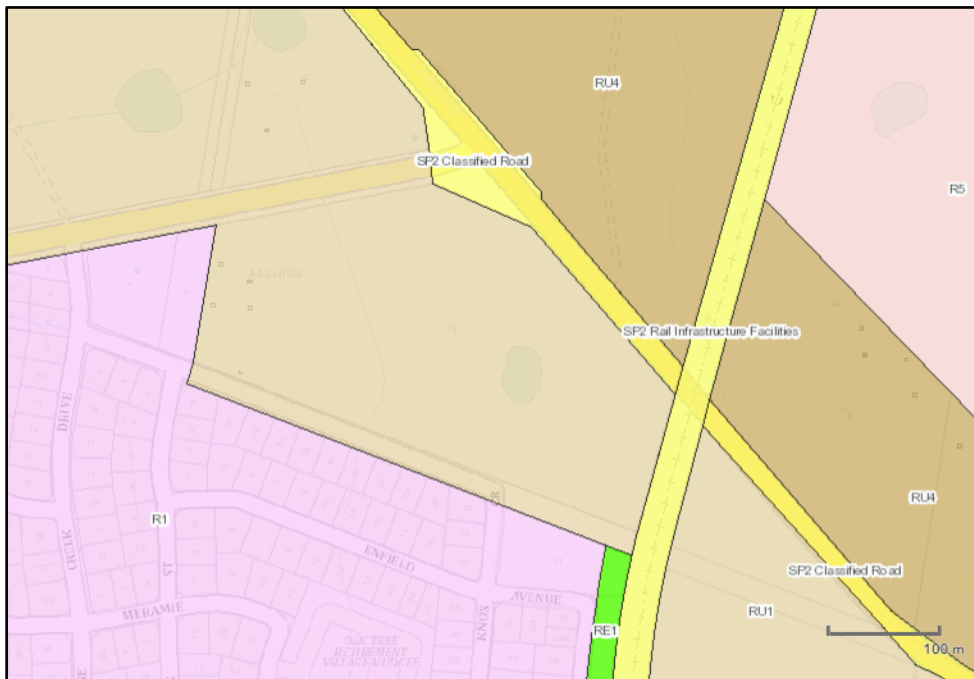
12. What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?

Consultation has been carried out prior to gateway determination. The development concept was adapted to address feedback and further consultation would be required at a future DA stage. The Proponent would highlight their intention to proceed to a two lot subdivision and a future developer realise further potential and carry out site specific designs.

PART 4 - Maps

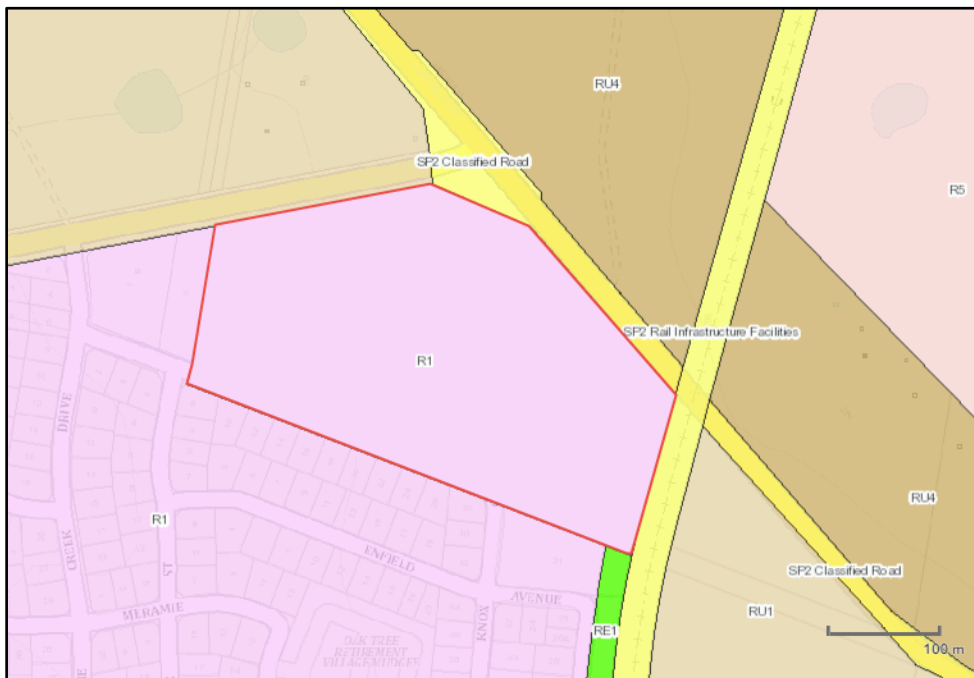
Amend digital mapping.

Land Zone mapping:



Existing Zoning

**RU1 Primary
Production**



Proposed Zoning

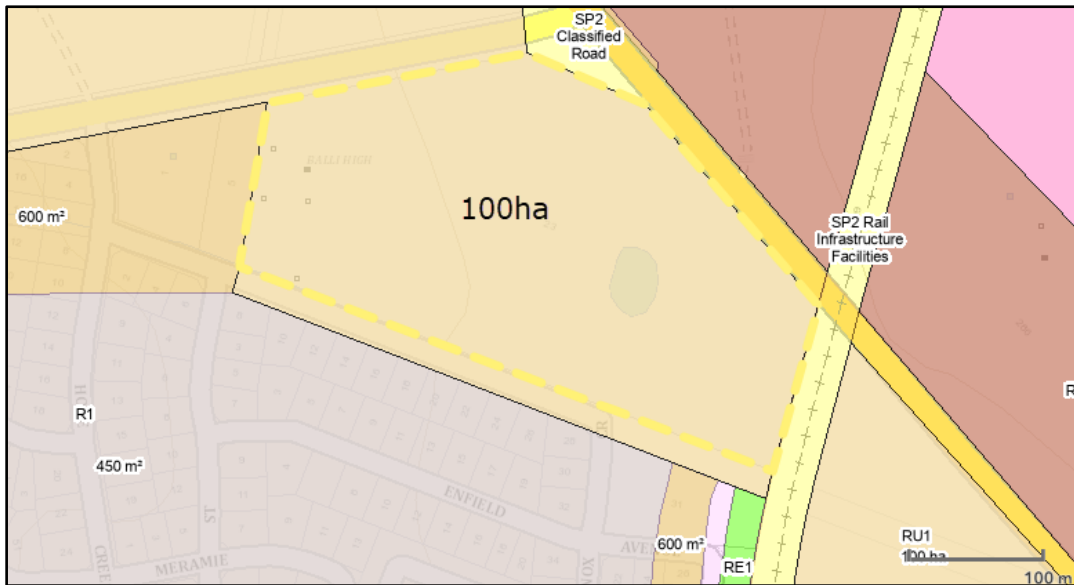
**R1 General
Residential**

Knox Crescent provides road frontage to the south. Currently this road reserve is zoned RU1 Primary Production. It is assumed that inclusion of the road reserve as proposed R1 General Residential land will be preferred, as is consistent with the other local roads in Caerleon Estate.



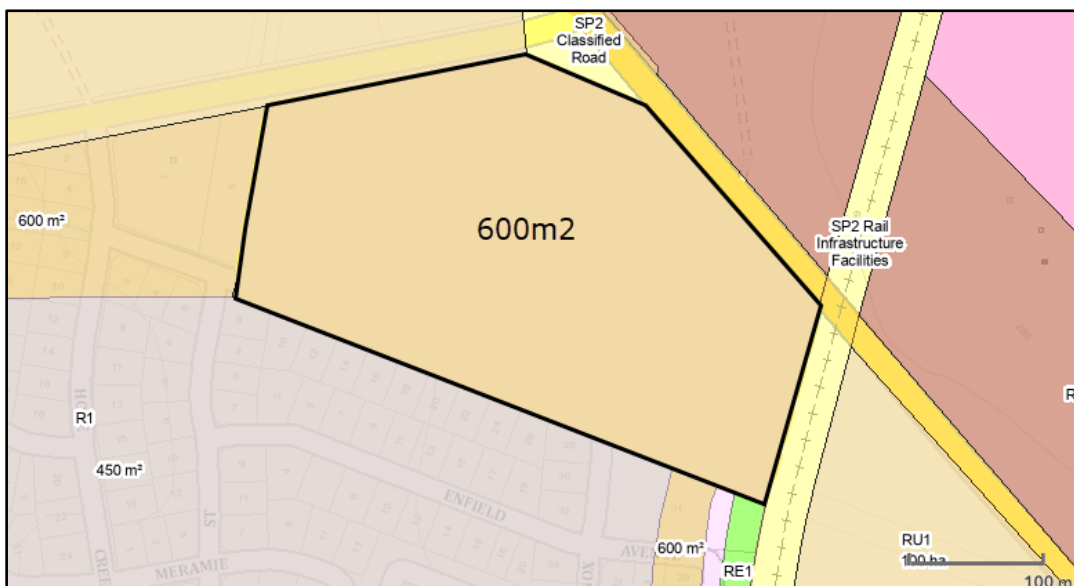
Lot Size mapping:

Proposed lot size amendment



Existing Min Lot Size

100ha

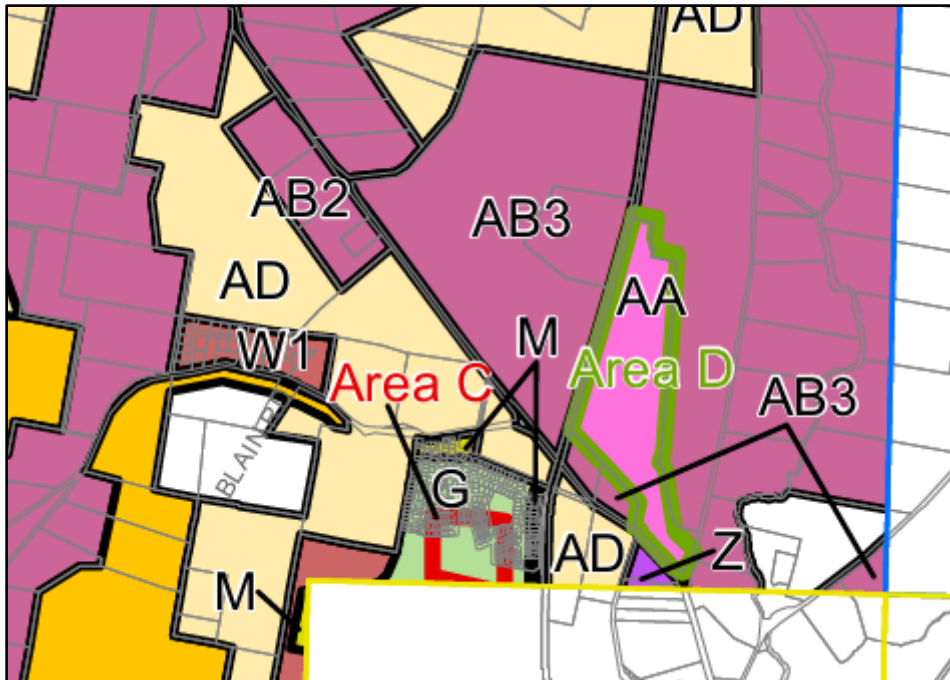


Proposed Min Lot Size

600m²

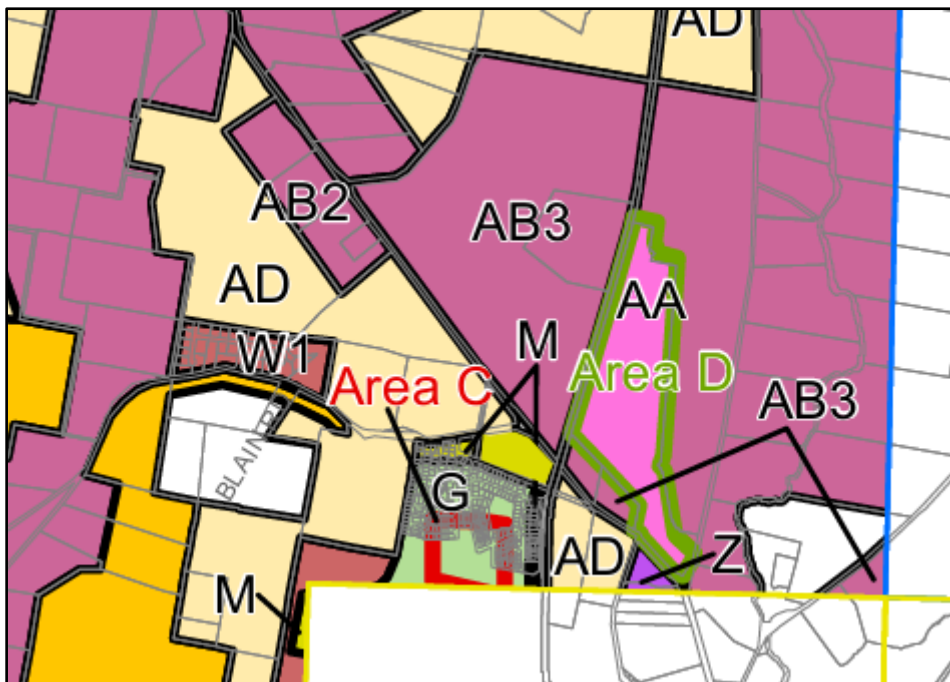


To achieve this an Amendment to the Lot size map – Sheet LSZ_006 is required:



Existing Lot size

AD 100 ha



Proposed Lot size

M 600



PART 5 - Community Consultation

Community consultation will be carried out post Gateway Determination. The proponent will work with Council to provide material relevant to advertise and carry out neighbour consultation.

As this proposal has been proponent-initiated, there has been no specific community consultation to date. The Council will enable associated documents to be viewed and reviewed by the public via the NSW Planning Portal.

Consultation with Mid-Western Regional Council engineers was carried out prior to finalising a concept subdivision for this proposal.



PART 6 - Project timeline

Scoping Report was submitted to Council August 2024. Completion of the indicative project timeline will be in cooperation with MWRC resources and timing to be updated prior to submission for Gateway.

Table 6-2. Indicative project timeline

Stage	Timeframe and/or date
Consideration by council	May to July 2025
Council decision	July 2025
Gateway determination	August 2025
Pre-exhibition	
Commencement and completion of public exhibition period	November 2025
Consideration of submissions	December 2025
Post-exhibition review and additional studies	
Submission to the Department for finalisation (where applicable)	
Gazettal of LEP amendment	

UNDER SEPARATE FILE – Plans of Proposed Subdivision Concept

SHEET 1 Shows the property involved in Mudgee Urban Release Area M21.

SHEET 2 Shows a proposed possible future development over subject land comprising the 2 subdivided lots. This is to demonstrate that support of a planning proposal approval would not adversely impact on the overall residential development, and in fact may encourage a new developer to proceed.

SHEET 3 Shows a proposed possible future development over the remaining area of M21. This is included to assist in clarification of the fact that the subject land is completely separated from the remaining area, not only by the rail corridor but also by the existing constraints posed by the terrain and available road access.

SHEET 4 Shows an indication of the possible number of residential lots that maybe expected from the Urban Release Area M21.